

In the United States Bankruptcy Court  
for the Eastern District of Pennsylvania

John J. Lynch  
v.

Evelyn Rivera  
Et al



Adversary No. 16-00301-AMC  
2016

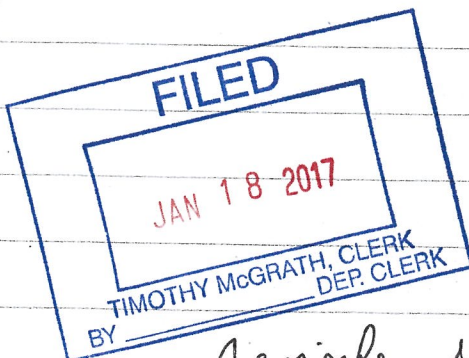
Bankruptcy No. 16-16269-AMC  
2016

Waiting for order to appeal

Notice of appeal  
Mune Pro Tunc

Notice is hereby given that John J. Lynch  
adversary / Plaintiff in the above captioned  
matter hereby appeals the order in the above  
captioned matter on the 30<sup>th</sup> of November 2016  
to the United States District Court on this the  
5<sup>th</sup> day of January 2017.

John J. Lynch



cc: Judge Chan  
District Court

RECEIVED

JAN 18 2017

ASHLEY M. CHAN  
BANKRUPTCY JUDGE

Jennifer Schultz, U.S. Trustee  
Kevin McDonald, Mary Suty  
Thomas Duler, John J. Lynch 1-20-17

In the United States Bankruptcy Court  
for the Eastern District of Pennsylvania

John J. Lynch

✓  
Evelyn Rivers  
Et al

Adversary No. 16-00301-AMC

Bankruptcy No. 16-16269-AMC


Adversary Motion / Petition to appeal  
Nunc Pro Tunc.

To: the Chief Judge of the Court,

The Adversary John J. Lynch in the above captioned matter hereby moves / or Petitions the Court for appeal Nunc Pro Tunc and represents the following in support thereof.

1. The Hon. Ashley M. Chan entered an order of dismissal in the above captioned matter on November 30th 2016, Exhibit D
2. Prior to the order of dismissal the adversary Plaintiff had filed an appeal to the United States District Court on the Judges denial of the Petition to proceed in forma Pauperis,

3. the adversary received nothing from the courts on the matter after he filed the appeal
4. on November 28<sup>th</sup> 2016 the adversary was taken from his home, and is detained at the Phila Prison system.
5. on January 6<sup>th</sup> 2017 the adversary received the courts order of dismissal with prejudice hand delivered to him by C/O TITA in A-2-X at the CFCF facility.
6. The adversary is immediately responding.
7. the fact that the Courts notice of the order did not catch up to the adversary until January 6<sup>th</sup> 2016 are circumstances beyond his control
8. the adversary had family members go and pickup mail and remail it to him at the Phila County jail, adversary attaches the Envelope it was sent in as Exhibit A - that which was handed to him by C/O TITA.

9. Adversary/Plaintiff acted with all due diligence and responsibility by contacting Postal authorities to have his mail forwarded, in addition to having family go get the mail repackaged it and remail it, attached is Exhibit B the return change of address confirmation letter prompted by the letter sent to postal authorities by the adversary after being released from quarantine, and the change of address sent in by Anne Mae Morrow his aunt.
10. The Prison was extremely slow in processing the mail into the jail and delivering it to the adversary plaintiff not until January, 5, 2017 at which time adversary/Plaintiff received notice. The adversary/Plaintiff take issue as to the correctness of the order upon receipt and wishes to exercise his right of appeal. See attached Exhibits 
11. the adversary/Plaintiff takes issue as to the Hon. Ashley M. Chan proceeding in the matter while on appeal in the matter was pending in the first place,

12. therefore the Adversary/Plaintiff claims that he did not receive timely notice so as to allow him to file a timely notice of appeal through no fault of the adversary and that the Adversary is acting with all due diligence in the matter at the very moment of receipt of the order.  
7pm on 1-5-17,

Wherefore Adversary Plaintiff respectfully request leave to appeal *Nunc Pro Tunc*.

John J. Lynch  
1-5-17

Aura Mae Morrow  
2147 E Letherly St  
Phila PA 19125  
Legal Documents  
**OFFICIAL BUSINESS**

U.S. POSTAGE  
PAID  
PHILADELPHIA, PA  
DEC 13 16  
AMOUNT  
**\$1.78**  
R2303S100197-15



19136



1000

Apt

John Lynch

P.P. # 562-783

7901 State Rd

Phila PA 19136

(12)

Exhibit  
A



POSTMASTER  
UNITED STATES POSTAL SERVICE  
1000 W VALLEY RD  
SOUTHEASTERN PA 19399-9001

DECEMBER 13, 2016

Exhibit  
B

Dear Postal Customer:

Recently, you submitted a change-of-address order to the United States Postal Service® to forward your personal mail to an address identified as a business address. We have received your change-of-address order and have entered it into our mail forwarding systems.



JOHN LYNCH  
7901 STATE RD # 562783CF  
PHILADELPHIA PA 19136-3407

Please be advised that when you no longer wish to receive your mail at the business address, you must notify the business or firm to arrange for the forwarding of your mail. The business/firm is responsible for properly forwarding your mail to your new address, at their discretion. At that time, please contact them directly, as the USPS® is restricted from accepting change-of-address orders from families or individuals requesting that their mail be forwarded from a business/firm address.

As an alternative to forwarding your mail to a business, the USPS offers P.O. Boxes conveniently located at your local Post Office™ for a nominal rental fee. Check with your local Post Office or reserve a P.O. Box™ online at <https://www.usps.com/manage/PO-boxes.htm>.

If this order is temporary, delivery will resume to the original address when it expires.

Thank you for the opportunity to address this matter with you. We also appreciate your efforts to notify your correspondents of your new address. If you have any questions or need additional information about your change-of-address order or mail forwarding, please email [COAHelp@usps.gov](mailto:COAHelp@usps.gov) or call 1-800-ASK-USPS (1-800-275-8777).

Sincerely,

*James D. Wilson*

James D. Wilson  
Director, Addressing & Geospatial Technology





**CHANGE OF ADDRESS CONFIRMATION**

225 N HUMPHREYS BLVD STE 501  
MEMPHIS TN 38188-1033

DEC 13, 2016

**ELECTRONIC SERVICE REQUESTED**

Exhibit  
B

This letter is to confirm that the US Postal Service® has received the following TEMPORARY Change-of-Address Order from you. We will begin forwarding your mail to your NEW address on the START DATE you provided: DEC 7, 2016, and discontinue forwarding on JUN 7, 2017.

Mail will be forwarded to the new address for  
THE FOLLOWING INDIVIDUAL ONLY:

JOHN LYNCH

**NEW ADDRESS**

1 002174 01 AB 0.396 \*\*AUTO T1 3 6299 19136-340701 -C01-P02176-I 5 89



JOHN LYNCH

7901 STATE RD # 562783CF  
PHILADELPHIA PA 19136-3407



**OLD ADDRESS**

JOHN LYNCH  
3281 RED LION RD # 1  
PHILADELPHIA PA 19114-1108

It is important for you to examine the above OLD and NEW address information. If any of the information is NOT correct or if you did NOT authorize this Change-of-Address Order, please call 1-800-ASK-USPS (1-800-275-8777) immediately.

If you need to View or Cancel this Change-of-Address Order or Change the Date to Start/Stop Forwarding your Mail, or Change from Temporary to Permanent Forwarding, visit [managemymove.usps.com](http://managemymove.usps.com) and enter the Confirmation Code 1634 7535 3010 0420.

**Common Questions and Answers About Moving**

- ❶ What should I do if I am not yet receiving mail at my new address?
  - ❶ If it is more than ten days after the start date of your move and no mail has arrived, call 1-800-ASK-USPS (1-800-275-8777).
- ❷ Are Postal Service regulations for temporary address changes different than permanent address changes?
  - ❷ Yes. Pay special attention to your magazine and newspaper subscriptions. The Postal Service will forward these items for only 60 days. After that, if you have not notified your publisher, you will stop receiving magazines and newspapers until your Change-of-Address Order expires. Also, pay special attention to financial institutions. They often request that their mail not be forwarded. You should notify all your mailers of your temporary address and the time period during which it should be used.
- ❸ How should I let my friends, family members, magazine publishers, and business correspondents know of my new address?
  - ❸ Usually, magazines and business correspondence contain cards or instructions to inform them of your new address and the date you will be moving. In addition, your local post office can supply you, free of charge, with postcards that you can use as a convenient way to notify anyone of your new address and the date of your move.

*As required by law, the Postal Service does not provide customer names or addresses to third parties.*



EXHIBIT C

Attachment 3.F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS  
INMATE GRIEVANCE FORM

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: John J. Lynch

HOUSING UNIT: A 7 p - 11

PID: 562282

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem  
(Include date and time of incident)

My grievance is that my  
counsel went to my home and  
got my mail and V/A Gerson  
check and reprinted it  
and mailed it to this facility.  
He called and was told it  
arrived, Why haven't I  
got it there are time sensitive  
legal mailing in there.

Action Requested by Inmate:

Please send me the legal mail there +  
my V/A check

See: Continuation/of Grievance - Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box:

Signature of Grievant:

John J. Lynch

Date:

10-31-16

PHILADELPHIA DEPARTMENT OF PRISONS  
INMATE GRIEVANCE FORM

Check box only if grievance is regarding Medical Services ☐

I want to know about  
my mail that was not mailed  
to the doctor in package  
July of August September  
and my VA Pension check  
initial

Date:

*3rd grievance on this*

Attachment 3.F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS  
INMATE GRIEVANCE FORM

☐ ASD ☒ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: *John J. Lynch*

HOUSING UNIT: *A-3-4-1*

PID: *563783*

INTAKE NUMBER: *1-1-17*

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem  
(Include date and time of incident)

*On or about 1/20/17, a certain inmate named Mr. [unclear] has my house for a postage within 15 minutes of a return address.*

*My VA check and a large amount of important legal mail came in that postage would be for me.*

*We called and were told that it was being inspected.*

*It has not been given to me. Why?*

*Legal mail is time sensitive, and my 1072.00 VA check should be on my account. What is going on with*

*these things? And on 1-31-17 I gave*

*C/O 3-1-17 a large manila envelope with 10-form for*

*Postage marked Urgent Legal mail, Priority, and Please*

*see it goes out. Action Requested by Inmate:*

*I Am waiting for it.*

See: Continuation of Grievance – Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box: \_\_\_\_\_

Signature of Grievant: *John J. Lynch*

Date: *1-11-17*

EXHIBIT C

Attachment 3.F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS  
INMATE GRIEVANCE FORM

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME:

HOUSING UNIT:

PID:

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem  
(Include date and time of incident)

My grievance is that  
my cousin got my VA Service  
Check and all my mail from my  
house, got and removed it to the  
jail and I have not gotten  
No Callings was told you are  
going through it, very much  
Legal mail Large  
Package for me

Action Requested by Inmate:

See: Continuation of Grievance - Page 2 YES ☒ No ☐

Describe how and when you tried to resolve this Grievance informally.

I report my Check But on my account  
and my legal mail given to me

Date that you are depositing this Grievance in a grievance box:

Signature of Grievant:

Date:

Exhibit D

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN J. LYNCH,

Plaintiff,

v

EVELYN RIVERA, BANK OF AMERICA,  
BAYSHORE LOAN SERVICING and  
KML LAW GROUP, INC.,

Defendants.

Adversary No. 16-00301-AMC

Bankruptcy No. 16-16269-AMC

ORDER

AND NOW, this 30th day of Nov - , 2016, upon

consideration of the Motion of Defendant Evelyn Rivera to Dismiss with Prejudice, it is hereby  
ORDERED and DECREED that Defendant Rivera's motion is hereby GRANTED. Plaintiff's  
Complaint is DISMISSED with prejudice.

BY THE COURT:

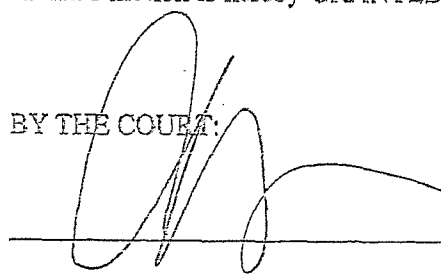
  
United States Bankruptcy Judge

Exhibit D

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN J. LYNCH,

*Plaintiff*

v.

EVELYN RIVERA, BANK OF AMERICA,  
BAYSHORE LOAN SERVICING and KML  
GROUP, INC.,

*Defendants*

Adversary No. 16-00301-AMC

Bankruptcy No. 16-16269-AMC

ORDER

AND NOW, this

20<sup>th</sup>

day of

Nov-

, 2016, upon consideration of

the Motion to Dismiss of Defendant, KML LAW GROUP, INC., and any response thereto, it is.

hereby ORDERED and DECREED that the said Motion to Dismiss is GRANTED and Plaintiff's

Complaint is DISMISSED with prejudice.

BY THE COURT:

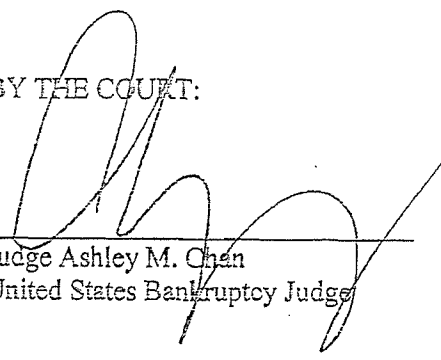
  
\_\_\_\_\_  
Judge Ashley M. Chan  
United States Bankruptcy Judge

Exhibit D

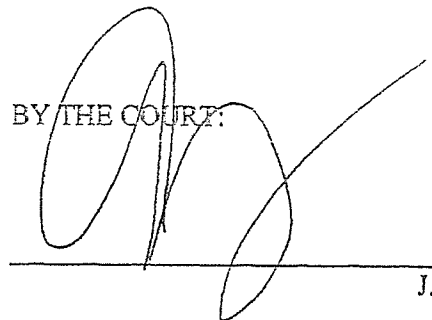
UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: EVELYN RIVERA  <i>Debtor</i>	Bankruptcy No. 16-16269-AMC
JOHN J. LYNCH  <i>Plaintiff</i>	Adversary No. 16-00301-AMC
v.  EVELYN RIVERA, BANK OF AMERICA, BAYSHORE LOAN SERVICING and KML GROUP, INC.  <i>Defendants</i>	

ORDER

AND NOW, this 23rd day of Nov, 2016, after consideration of the Motion to Dismiss Plaintiff's Complaint filed by Defendants, Bayview Loan Servicing, LLC, improperly pled as Bayshore Loan Servicing ("Bayview"), and Bank of America, N.A., improperly pled as Bank of America ("BOA") (collectively, "Defendants"), and all responses thereto, it is hereby ORDERED that Defendants' Motion is GRANTED and Plaintiff's Adversary Complaint is hereby DISMISSED with prejudice.

BY THE COURT:

  
J.

## Certificate of Service

I John J Lynch hereby certify  
that I have served a true, and  
correct copy of the attached Motion/  
Petition to Appeal Nunc Pro Tunc  
upon the persons listed below by  
1st class mail on the 10<sup>th</sup> day of  
January 2016

John J Lynch

① Jennifer Schult  
1410 W. Erie Ave  
Phila PA, 19118

④ Evelyn Rivera  
18814 Mohr Ave  
Phila PA, 19132

② Ashley M Chan  
US Bky Judge  
900 Market st  
Phila PA 19106

③ Gary F. Suty Esq U.S. To  
601 Walnut st 34th Fl  
Phila PA, 19106

③ Chief Judge  
United States Bky Ct.  
900 Market st  
Phila PA 19106